(84)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench: Hon'ble Shri Jagdish Bhalla, Ag Chief Justice.

Writ Petition No. 868 /2002

PETITIONER Anandram son of late Hiralal Ayam (Gond) aged 39 years Ex-Sarpanch R/o Village Kargamar Gram Panchayat Pachra, Post Pachra Block Pondi Uprora Tah. Katghora Distt. Korba (C.G)

Versus

RESPONDENTS

1. State of Chhattisgarh Through : Collector Bilaspur (C.G.)
2. Chief Executive Officer, Janpad Panchayat Pondi – Uprora Tahsil Katghora District Korba (C.G.)
3. Sub-Divisional Officer, Katghora Tahsil Katghora Distt. Korba (C.G.)

Writ Petition under Article 227 of Constitution of India.

Present: None for the petitioner.
Shri U. N. S. Deo, Government Advocate General for the respondents No.1 and 3/ State.

ORAL ORDER
(Passed on 16th August, 2007)

This writ petition is directed against the show cause notice passed by the Sub-Divisional Officer, Katghora, Distt. Korba under the Clause (D) of sub-Section (1) of Section 36 of the Madhya Pradesh Panchayat Raj Act, 1993 (for short the 'Act, 1993'). Admittedly, the petitioner has more than two children and the third child was born on 25.10.2001 which made the petitioner disqualified from holding the post of the Sarpanch. Accordingly, the removal of the petitioner is in compliance of the statutory provisions contained in Section 36(1) (D) of the Act, 1993. The petitioner has not challenged the legality and validity of the aforesaid provisions of law.

In light of the above, the order passed by the authority concerned is in accordance with provisions of law. No interference is warranted. With these observations, the writ petition is dismissed.

Sd/-
Acting Chief Justice

Karuna